IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.6884 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr.V.B. Rajure, for the Petitioners
Mr. A.B. Borkar, for the Respondent No.5.
Mr. D.A. Patil, A.G.P. for Respondent Nos. 1 to 4.

CORAM: F.I. REBELLO, J.
DATED : JANUARY 18, 2005

P.C.

. Rule. Heard forthwith. The order permitting the starting of a fourth Society has been set aside by the 4th respondent on the ground that there is no necessity of a fourth society in the village. This is the only reason given. The Authorities below on consideration of material had come to the conclusion that permission can be granted. In order to reverse an order the Revisional Authority would have to show that there has been non-consideration of either Government Resolution or material which was required to be considered has been ignored. Respondents 2. On behalf of the Respondent

NO.5 learned Counsel contends that the No Objection given by the Respondent No.5 was by the Chairman after he had been removed. It is also pointed out that minimum requirement is each society must be in a position to collect 300 litters of milk and the report would indicate that none of the society are so collecting. Even considering this contention, one does not find that the learned Revisional Authority addressed himself to that issue in order to enable the petitioners to meet with that contention. Considering the above the following order:-

(i). The impugned order dated 31st July, 2004 is set aside. The matter is remanded back to the 4th Respondent to pass fresh orders according to law after hearing the petitioners and the respondent NO.5. Considering that the matter is old it should be disposed of at any rate within a period of 12 weeks from today.

(ii). Rule made absolute accordingly. No order as to costs. In the meantime the interim relief granted permitting to carry on business to continue till the hearing and final disposal of the Revision Application and for a period of four weeks

thereafter, if the orders are adverse to the petitioners.

. Personal Secretary of this Court to issue Authenticated copy of this order to the parties.

(F.I. REBELLO, J.)